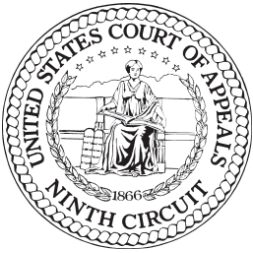


EXHIBIT 3

PRELIMINARY

INJUNCTION APPEAL



USCA DOCKET # (IF KNOWN)

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT CIVIL APPEALS DOCKETING STATEMENT

PLEASE ATTACH ADDITIONAL PAGES IF NECESSARY.

TITLE IN FULL: DRAKES BAY OYSTER COMPANY and KEVIN LUNNY v. KENNETH L. SALAZAR; U.S. DEPARTMENT OF THE INTERIOR; U.S. NATIONAL PARK SERVICE; and JONATHAN JARVIS	DISTRICT: <input type="text" value="N.D. California"/>	JUDGE: <input type="text" value="Gonzales Rogers"/>
DISTRICT COURT NUMBER: <input type="text" value="12-CV-06134-YGR"/>		
DATE NOTICE OF APPEAL FILED: <input type="text" value="02/06/2013"/>		IS THIS A CROSS APPEAL? <input type="checkbox"/> YES
IF THIS MATTER HAS BEEN BEFORE THIS COURT PREVIOUSLY, PLEASE PROVIDE THE DOCKET NUMBER AND CITATION (IF ANY): <input style="width: 100%;" type="text"/>		
BRIEF DESCRIPTION OF NATURE OF ACTION AND RESULT BELOW: Plaintiffs sued Defendants for violations of the Administrative Procedures Act; National Environmental Policy Act; Data Quality Act; Pub. L. No. 111-88, § 124, 123 Stat. 2904, 2932 (2009); U.S. Const. am. V, and 36 C.F.R. § 2.32(a) relating to Defendants' denial of Plaintiffs' application for a Special Use Permit. Plaintiffs sought a preliminary injunction on the basis of their claims. The District Court for the Northern District of California denied Plaintiffs' motion for preliminary injunction.		
PRINCIPAL ISSUES PROPOSED TO BE RAISED ON APPEAL: Whether or not the District Court for the Northern District of California erred in denying Plaintiffs' motion for Preliminary Injunction, by basing its decision on either errors of law or clearly erroneous findings of fact.		
PLEASE IDENTIFY ANY OTHER LEGAL PROCEEDING THAT MAY HAVE A BEARING ON THIS CASE (INCLUDE PENDING DISTRICT COURT POST-JUDGMENT MOTIONS): <input style="width: 100%; height: 50px;" type="text"/>		
DOES THIS APPEAL INVOLVE ANY OF THE FOLLOWING: <input type="checkbox"/> Possibility of Settlement <input type="checkbox"/> Likelihood that intervening precedent will control outcome of appeal <input checked="" type="checkbox"/> Likelihood of a motion to expedite or to stay the appeal, or other procedural matters (Specify) <input style="width: 100%;" type="text" value="Plaintiffs intend to file a motion for an injunction pending appeal."/> <input type="checkbox"/> Any other information relevant to the inclusion of this case in the Mediation Program <input style="width: 100%; height: 20px;" type="text"/> <input type="checkbox"/> Possibility parties would stipulate to binding award by Appellate Commissioner in lieu of submission to judges		

LOWER COURT INFORMATION

JURISDICTION		DISTRICT COURT DISPOSITION	
FEDERAL	APPELLATE	TYPE OF JUDGMENT/ORDER APPEALED	RELIEF
<input checked="" type="checkbox"/> FEDERAL QUESTION <input type="checkbox"/> DIVERSITY <input type="checkbox"/> OTHER (SPECIFY): <div style="border: 1px solid black; height: 100px; width: 100%;"></div>	<input type="checkbox"/> FINAL DECISION OF DISTRICT COURT <input type="checkbox"/> INTERLOCUTORY DECISION APPEALABLE AS OF RIGHT <input type="checkbox"/> INTERLOCUTORY ORDER CERTIFIED BY DISTRICT JUDGE (SPECIFY): <div style="border: 1px solid black; height: 30px; width: 100%;"></div> <input type="checkbox"/> OTHER (SPECIFY): <div style="border: 1px solid black; height: 30px; width: 100%;"></div>	<input type="checkbox"/> DEFAULT JUDGMENT <input type="checkbox"/> DISMISSAL/JURISDICTION <input type="checkbox"/> DISMISSAL/MERITS <input type="checkbox"/> SUMMARY JUDGMENT <input type="checkbox"/> JUDGMENT/COURT DECISION <input type="checkbox"/> JUDGMENT/JURY VERDICT <input type="checkbox"/> DECLARATORY JUDGMENT <input type="checkbox"/> JUDGMENT AS A MATTER OF LAW <input checked="" type="checkbox"/> OTHER (SPECIFY): <div style="border: 1px solid black; padding: 5px;">Order denying Plaintiffs' Motion for Preliminary Injunction</div>	<input type="checkbox"/> DAMAGES: SOUGHT \$ <div style="border: 1px solid black; width: 80px; height: 20px;"></div> AWARDED \$ <div style="border: 1px solid black; width: 80px; height: 20px;"></div> <input checked="" type="checkbox"/> INJUNCTIONS: <input checked="" type="checkbox"/> PRELIMINARY <input type="checkbox"/> PERMANENT <input type="checkbox"/> GRANTED <input type="checkbox"/> DENIED <input type="checkbox"/> ATTORNEY FEES: SOUGHT \$ <div style="border: 1px solid black; width: 80px; height: 20px;"></div> AWARDED \$ <div style="border: 1px solid black; width: 80px; height: 20px;"></div> <input type="checkbox"/> PENDING <input type="checkbox"/> COSTS: \$ <div style="border: 1px solid black; width: 80px; height: 20px;"></div>

CERTIFICATION OF COUNSEL**I CERTIFY THAT:**

- COPIES OF ORDER/JUDGMENT APPEALED FROM ARE ATTACHED.
- A CURRENT SERVICE LIST OR REPRESENTATION STATEMENT WITH TELEPHONE AND FAX NUMBERS IS ATTACHED (SEE 9TH CIR. RULE 3-2).
- A COPY OF THIS CIVIL APPEALS DOCKETING STATEMENT WAS SERVED IN COMPLIANCE WITH FRAP 25.
- I UNDERSTAND THAT FAILURE TO COMPLY WITH THESE FILING REQUIREMENTS MAY RESULT IN SANCTIONS, INCLUDING DISMISSAL OF THIS APPEAL.

/s/ Amber D. Abbasi

Signature

2/6/2013

Date**COUNSEL WHO COMPLETED THIS FORM**

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****THIS DOCUMENT SHOULD BE FILED IN DISTRICT COURT WITH THE NOTICE OF APPEAL. ********IF FILED LATE, IT SHOULD BE FILED DIRECTLY WITH THE U.S. COURT OF APPEALS. ****